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KUBOVCIK & KUBOVCIK

The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006

TEL: 202-887-9023
FAX: 202-887-9093

To: Mail Stop Patent Ext.
Firm: U. S. Patent and Trademark Office
Fax #: 571-273-8300
From: Ronald J. Kubovcik (Registration No. 25,401)
Date: August 23, 2007
Pages : 6 including this cover sheet.

Re : Patent No : 7,235,612
Issued : June 26, 2007
Appl. No. : 10/766,487
Applicant : Sadayuki KOBAYASHI et al.
Filed : January 29, 2004
Dkt. No. : IPE-032-030
Cust. No. : 20374

Confirmation No. 3734

Document transmitted herewith: (1) REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. §1.705(d)
(2) PTO-2038 for \$200.00

(Due: August 23, 2007)

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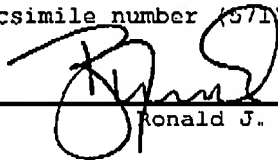
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Ronald J. Kubovcik

REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT
DETERMINATION UNDER 37 C.F.R. §1.705(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

August 23, 2007

Sir:

The undersigned respectfully requests reconsideration and
revision of the patent term adjustment of the subject patent.

The records of the USPTO indicate that the patent term
adjustment is "242" days. However, applicants believe that the
patent term adjustment should be --390-- days.

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PATENT

U.S. Patent No. 7,235,612
REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT DETERMINATION

(1) FEE

Form PTO-2038 in the amount of \$200.00 in payment of the fee set forth in 37 C.F.R. §1.18(e) is attached hereto.

(2) STATEMENT OF FACTS

(i) The correct patent term adjustment for the subject patent is --390-- days based upon the Office's failure to mail a notification under 35 U.S.C. §132 or notice of allowance under 35 U.S.C. §151 not later than fourteen months after the application from which the present patent issued was filed under 35 U.S.C. 111(a) (37 C.F.R. § 1.702(a)(1)) and the Office's failure to issue a patent within 3 years after the actual filing date of the application from which the present patent issued (37 C.F.R. § 1.702(b)).

(ii) The application from which the present patent issued is an original application filed on or after May 29, 2000, which was filed under 35 U.S.C. 111(a) on January 29, 2004 (as a continuation-in-part of application Serial No. 10/732,803 filed December 11, 2003). Thus, the Office should have issued an official action not later than March 29, 2005, fourteen months from the date the application was filed. An Office Action (Restriction

U.S. Patent No. 7,235,612
REQUEST FOR RECONSIDERATION OF
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Requirement) was mailed on February 28, 2006, entitling the present patent to a patent term extension of 336 days for this period. (37 C.F.R. § 1.703(a)(1)).

The application from which the present patent issued was filed on January 29, 2004. Thus, the Office should have issued a patent not later than January 29, 2007, three years from the date the application was filed. The present patent issued on June 26, 2007, entitling the patent to a patent term extension of 148 days for this period. (37 C.F.R. § 1.703(b)).

The periods do not overlap. Thus, the subject patent is entitled to an actual patent term extension of 484 days. (37 C.F.R. § 1.703(f)).

(iii) The patent that will issue from the present application is not subject to a terminal disclaimer.

(iv) A First Office Action was mailed on May 11, 2006, with a three-month shortened statutory period for reply that expired on August 11, 2006. A reply to the First Office Action was filed on November 13, 2006. Thus, the entitled patent term extension should be reduced by 94 days due to applicants' delay. (37 C.F.R. § 1.704(b)).

Applicants request that the Office revise the patent term

U.S. Patent No. 7,235,612
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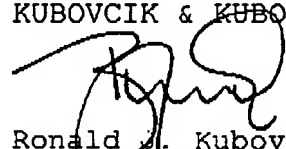
adjustment of the present patent to 390 days. The Office has failed to credit the patent term extension under 37 C.F.R. § 1.703(b) for the period beginning the day after three years of the actual filing date of the application from which the present patent issued and ending on the issue date of the present patent.

The present request for reconsideration does not raise issues that were raised, or could have been raised, in an application for patent term adjustment under 37 C.F.R. §1.705(b). Applicants could not determine the period of adjustment under 37 C.F.R. § 1.703(b) until the subject patent actually issued.

In the event any fees are required, please charge our Deposit Account No. 111833.

Respectfully submitted,

KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik
Reg. No. 25,401

Atty. Case No. IPE-032-030
The Farragut Building
Suite 710
900 17th Street, N.W.
Washington, D.C. 20006
Tel: (202) 887-9023
Fax: (202) 887-9093
RJK/JBF